

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

SCOTT E. SAVAGE, #50804-083,

Petitioner,

v.

ACTION NO. 2:13CV578

ERIC D. WILSON,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2241. The petition seeks to reverse a decision by the Bureau of Prisons (“BOP”) which denied Petitioner Savage access to a discretionary sentence reduction available to inmates who complete a residential drug treatment program pursuant to 18 U.S.C. §3621(e).

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for Report and Recommendation. The Report of the Magistrate Judge was filed on March 26, 2014, recommending dismissal of the petition because the BOP’s decision is not subject to judicial review under the Administrative Procedures Act, and because Petitioner Savage’s claims fail to plausibly allege a constitutional or legal defect in the BOP’s enactment or application of the relevant regulations.

By copy of the report, each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On April 11, 2014, the Court received Petitioner Savage’s Objections to the Magistrate Judge’s Report and Recommendation (ECF No.


18). On April 21, 2014 the Court received Respondent's Response to Petitioner's Objections (ECF No. 19).

The Court has reviewed the record, and has examined the objections and the Response filed by the parties to the Magistrate Judge's Report. After making *de novo* findings with respect to the portions objected to that are in accordance with the findings of the Report, this Court hereby adopts and approves those findings and the recommendations set forth in the Report of the United States Magistrate Judge filed March 26, 2014. It is, therefore, ORDERED that Respondent's Motion to Dismiss is GRANTED, and Petitioner Savage's petition for a writ of habeas corpus under 28 U.S.C. § 2241 is DENIED. This case is DISMISSED with prejudice.

Petitioner Savage may appeal from the judgment entered pursuant to this Final Order by filing a *written* notice of appeal with the Clerk of this Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within sixty days from the date of entry of such judgment.

Petitioner Savage has failed to demonstrate a substantial showing of the denial of a constitutional right. Therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 123 S. Ct. 1029, 1039 (2003).

The Clerk is DIRECTED to mail a copy of this Final Order to the Petitioner and to counsel of record for the Respondent.

  
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Arenda L. Wright Allen  
United States District Judge

Norfolk, Virginia

5. 8, 2014